

AMENDED IN ASSEMBLY JUNE 17, 2014
AMENDED IN ASSEMBLY MAY 23, 2014
AMENDED IN ASSEMBLY SEPTEMBER 6, 2013
AMENDED IN ASSEMBLY SEPTEMBER 3, 2013
AMENDED IN ASSEMBLY AUGUST 15, 2013
AMENDED IN ASSEMBLY AUGUST 6, 2013
AMENDED IN ASSEMBLY JUNE 27, 2013
AMENDED IN SENATE MAY 24, 2013
AMENDED IN SENATE APRIL 16, 2013

SENATE BILL

No. 570

Introduced by Senator DeSaulnier

February 22, 2013

An act to add Part 4 (commencing with Section 11975.10) to Division 10.5 of the Health and Safety Code, relating to alcohol and drug counselors.

LEGISLATIVE COUNSEL'S DIGEST

SB 570, as amended, DeSaulnier. Advanced Alcohol and Drug Licensing Act.

Existing law provides for the registration, certification, and licensure of various healing arts professionals. Existing law provides for various programs to eliminate alcohol and drug abuse, and states the finding of the Legislature that state government has an affirmative role in alleviating problems related to the inappropriate use of alcoholic beverages and other drug use.

This bill would establish licensure and registration provisions relating to advanced alcohol and drug counselors and advanced alcohol and drug counselor interns, respectively, to be administered by the newly created Advanced Alcohol and Drug Counselor Licensing Board within the *State* Department of Health Care Services, and would authorize the board to commence issuing these licenses and registrations on January 1, ~~2016~~ 2017. The bill would make it a misdemeanor for a person to style himself or herself or to hold himself or herself out to be a licensed advanced alcohol and drug counselor or advanced alcohol and drug counselor intern, without holding a license or registration in good standing under these provisions, and commencing on January 1, 2017, it would be unlawful for a person to engage in the practice of alcohol and drug counseling outside of a licensed or certified alcohol and drug treatment facility, unless at the time of so doing, the person holds a valid, unexpired, and unrevoked license or registration under these provisions. Because the bill would create a new crime, it would impose a state-mandated local program.

This bill would authorize the board to assess related fees and penalties to be deposited into the Advanced Alcohol and Drug Counselors License Fund available, upon appropriation by the Legislature, to the board for the purposes of supporting licensing and registration activities. The bill would set various licensing and registration fees, until the board establishes different fees by regulation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Part 4 (commencing with Section 11975.10) is
- 2 added to Division 10.5 of the Health and Safety Code, to read:

PART 4. ADVANCED ALCOHOL AND DRUG COUNSELOR
LICENSING AND ADVANCED ALCOHOL AND DRUG
COUNSELOR INTERN REGISTRATION

CHAPTER 1. GENERAL PROVISIONS

11975.10. (a) This part shall be known, and may be cited, as the Advanced Alcohol and Drug Counselor Licensing Act.

(b) This part shall be liberally construed to achieve its objectives.

11975.13. For purposes of this part, the *following* definitions apply:

(a) “Advanced alcohol and drug counselor intern” or “AADCI” means an unlicensed person who has fulfilled the testing and education requirements in Section 11975.40 to become licensed, who is seeking to meet the supervised experience requirements of this part, and is registered with the board for this purpose.

(b) “Advertise” includes, but is not limited to, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on or in any building or structure, or in any newspaper or magazine or in any directory, or any printed matter, with or without any limiting qualification. ~~It~~ *Advertising* also includes business solicitations communicated by radio or television broadcasting, the Internet, or any other electronic medium.

(c) “Board” means the Advanced Alcohol and Drug Counselor Licensing Board.

(d) “Clinical supervision” means the ongoing process ~~in which the supervisor participates with~~ *performed by a supervisor, or monitoring the performance of* one or more supervisees to ensure high quality service delivery across domains of alcohol and drug counselor development, professional and ethical standards, program development, quality assurance, performance evaluation, and administration.

(e) “Clock hour” means 50 continuous minutes of instruction. *Fifteen clock hours is equal to one semester unit of college credit.*

~~(e)~~

(f) “Department” means the State Department of Health Care Services.

~~(f)~~

(g) “Director” means the Director of the Department of Health Care Services.

~~(g)~~

(h) “Independent counseling practice” means an individual or individuals who are licensed pursuant to terms of this part to engage in the practice of alcohol and drug counseling, as defined in Section 11975.50, in a setting outside of a licensed or certified facility.

(i) “IC&RC” means the International Certification and Reciprocity Consortium.

~~(h)~~

(j) “Licensed advanced alcohol and drug counselor” or “LAADC” means a person licensed by the board pursuant to Section 11975.43 or 11975.45 to practice alcohol and drug counseling, who may provide clinical supervision to registered interns in the State of California, and who may maintain an independent alcohol and drug counseling practice outside of a program licensed or certified by the state to provide alcohol and drug treatment services.

~~(i)~~

(k) “Student” means an unlicensed person who is currently enrolled in a master’s or ~~doctorate~~ *doctoral* degree program, as specified in paragraph (1) of subdivision (a) of Section 11975.45, that is designed to qualify him or her for licensure under this part.

CHAPTER 2. THE ADVANCED ALCOHOL AND DRUG COUNSELOR LICENSING BOARD

11975.20. (a) There is in the State Department of Health Care Services, the Advanced Alcohol and Drug Counselor Licensing Board that consists of the following members:

(1) Five state licensed advanced alcohol and drug counselors.

(2) Six public members.

(b) Each member, except the six public members, shall have at least two years of experience in his or her profession.

(c) Each member shall reside in the State of California.

(d) (1) The Governor shall appoint four of the public members and the five licensed members with the advice and consent of the Senate.

1 (2) The Senate Committee on Rules shall appoint one public
2 member.

3 (3) The Speaker of the Assembly shall appoint one public
4 member.

5 (e) From the commencement of appointments and until licenses
6 for advanced alcohol and drug counselors are issued, the Governor
7 shall appoint alcohol and drug addiction counselors certified by a
8 certifying organization recognized by the department.

9 (f) Each member of the board shall be appointed for a term of
10 four years.

11 (1) A member appointed by the Speaker of the Assembly or the
12 Senate Committee on Rules shall hold office until the appointment
13 and qualification of his or her successor or until one year from the
14 expiration date of the term for which he or she was appointed,
15 whichever occurs first.

16 (2) Pursuant to Section 1774 of the Government Code, a member
17 appointed by the Governor shall hold office until the appointment
18 and qualification of his or her successor or until 60 days from the
19 expiration date of the term for which he or she was appointed,
20 whichever occurs first.

21 (g) A vacancy on the board shall be filled by appointment for
22 the unexpired term by the authority who appointed the member
23 whose membership was vacated.

24 (h) Not later than the first of June of each calendar year, the
25 board shall elect a chairperson and a vice chairperson from its
26 membership.

27 (i) Each member of the board shall receive a per diem of one
28 hundred dollars (\$100) for each day actually spent in the discharge
29 of official duties, and shall be reimbursed for traveling and other
30 expenses necessarily incurred in the performance of official duties.
31 The payments in each instance shall be made only from the fund
32 from which the expenses of the agency are paid and shall be subject
33 to the availability of money. Notwithstanding any other provision
34 of law, no public officer or employee shall receive per diem salary
35 compensation for serving on those boards, commissions,
36 committees, or the Consumer Advisory Council on any day when
37 the officer or employee also received compensation for his or her
38 regular public employment.

39 11975.23. (a) The board may appoint an executive officer ~~or~~
40 ~~enter into a contract for this service.~~ This position is designated

1 as a confidential position and is exempt from civil service under
2 subdivision (e) of Section 4 of Article VII of the California
3 Constitution.

4 (b) The executive officer serves at the pleasure of the board.

5 (c) The executive officer shall exercise the powers and perform
6 the duties delegated by the board and that are vested in him or her
7 by this part.

8 (d) With the approval of the director, the board shall fix the
9 salary of the executive officer.

10 (e) The chairperson of the board may call meetings of the board
11 and any duly appointed committee at a specified time and place.
12 For purposes of this section, “call meetings” means setting the
13 agenda, time, date, or place for any meeting of the board or any
14 committee.

15 11975.25. Subject to the State Civil Service Act (Part 2
16 (commencing with Section 18500) of Division 5 of Title 2 of the
17 Government Code), the board may employ any clerical, technical,
18 and other personnel as it deems necessary to carry out the
19 provisions of this part and the other chapters it administers and
20 enforces, within budget limitations.

21 11975.27. The board shall keep an accurate record of all of its
22 proceedings and a record of all applicants for licensure and all
23 individuals to whom it has issued a license.

24 11975.28. The duty of administering and enforcing this part is
25 vested in the board and the executive officer subject to, and under
26 the direction of, the board. In the performance of this duty, the
27 board and the executive officer have all the powers and are subject
28 to all the responsibilities vested in, and imposed upon, the head of
29 a department by Chapter 2 (commencing with Section 11150) of
30 Part 1 of Division 3 of Title 2 of the Government Code.

31 11975.29. Protection of the public shall be the highest priority
32 for the board in exercising its licensing, regulatory, and disciplinary
33 functions. Whenever the protection of the public is inconsistent
34 with other interests sought to be promoted, the protection of the
35 public shall be paramount.

36 CHAPTER 3. ADMINISTRATION

37
38
39 11975.30. ~~(a)~~—The board shall administer and enforce this part.

1 ~~(b) The board may enter into an agreement with any~~
2 ~~governmental agency or other entity, public or private, to~~
3 ~~administer any portion of this part.~~

4 11975.33. In order to carry out the provisions of this part, the
5 board shall do, but shall not be limited to doing, all of the
6 following:

7 (a) Adopt rules and regulations as necessary to administer and
8 enforce this part. The adoption, amendment, and repeal of those
9 rules and regulations shall be made in accordance with the
10 rulemaking provisions of the Administrative Procedure Act
11 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
12 Division 3 of Title 2 of the Government Code).

13 (b) Issue licenses and register interns seeking licensure
14 beginning January 1, ~~2016~~, 2017, to those who meet the
15 qualifications of this part and any regulations adopted pursuant to
16 this part.

17 (c) Take disciplinary action against licensees and registered
18 interns where appropriate, including reprimand or probation,
19 suspension, or revocation of the license, or registration, issuance
20 of administrative citations, or imposition of administrative fines
21 not to exceed five thousand dollars (\$5,000), or any combination
22 of these. *The board shall not take action against certified*
23 *counselors and staff of licensed and certified facilities who are*
24 *not registered with the board as interns or who are not licensed*
25 *by the board.*

26 (d) Establish continuing education requirements.

27 (e) Establish procedures for the receipt, investigation, and
28 resolution of complaints.

29 (f) Establish criteria to determine whether the curriculum of an
30 educational institution satisfies the requirements imposed by this
31 part.

32 (g) Establish parameters of unprofessional conduct that are
33 consistent with the uniform code of conduct ~~accepted for the~~
34 ~~profession~~ *adopted by the California Coalition of Certifying*
35 *Organizations and accepted by the department in June 2013.*

36 (h) Establish reinstatement procedures for an expired or revoked
37 certificate or license.

38 (i) ~~Establish registration and clinical supervision policies to~~
39 *implement and enforce clinical supervision* requirements for
40 registered interns *prescribed in Section 11975.45.*

(j) Adopt one examination for administering to prospective licensees. The test may be administered by the board or by any public or private entity selected by the board.

(k) Maintain a database of licensees and registered interns, including the individual's status, any public record of discipline, and other information as the board may require.

(l) Establish an advisory committee composed of one or more representatives of consumers, alcohol and drug counselors, alcohol and drug counselor employers, counties, educators, referral sources, and other persons as the board may determine, that shall meet at least two times per year and make recommendations to the board concerning curriculum, criminal background checks, unprofessional conduct, and other matters as the board may refer to the committee. *This committee shall become inoperative two years after the issuance of licenses.*

CHAPTER 4. QUALIFICATIONS AND REQUIREMENTS FOR LICENSURE AND REGISTRATION

11975.40. (a) Commencing January 1, ~~2016~~, 2017, the board shall issue a registration for an advanced alcohol and drug counselor intern (AADCII) who meets all of the following requirements:

(1) Possesses an earned master of arts, master of science, or ~~doctorate~~ *doctoral* degree in alcohol and drug counseling, psychology, social work, *counseling, marriage and family therapy, counseling psychology, clinical psychology*, or other clinically focused major or an equivalent degree recognized by the board, from an institution of higher learning accredited by the Western Association of Schools and Colleges, *the Bureau for Private Postsecondary Education*, or state or regional accrediting agency approved by the board. *The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of approval.*

(2) Completes ~~180~~ 315 clock hours of alcohol and drug specific education approved by the board, ~~including both of the following:~~ *from an institution of higher learning accredited by the Western Association of Schools and Colleges, the Bureau for Private Postsecondary Education, or a state or regional accrediting agency*

1 *approved by the board. This education shall include, but is not*
2 *limited to, all of the following:*

3 ~~(A) Forty hours of education in clinical supervision techniques.~~

4 ~~(B) Sixty hours of education on operating an independent~~
5 ~~counseling practice that includes both of the following:~~

6 ~~(i) Six hours of education in the subject of law and ethics as it~~
7 ~~relates to a licensee's ability to practice alcohol and drug~~
8 ~~counseling safely. This education may include, but shall not be~~
9 ~~limited to, the legal and regulatory aspects of alcohol and drug~~
10 ~~counseling, dependency treatment, regulatory restrictions,~~
11 ~~confidentiality, issues surrounding clients' rights, and standards~~
12 ~~of competency for the practice of alcohol and drug counseling.~~

13 ~~(ii) Ten hours of education in the recognition of co-occurring~~
14 ~~disorders, the referral processes, and in determining the most~~
15 ~~appropriate level of care for the client and the client's eligibility~~
16 ~~for admission to a particular alcohol and drug treatment program.~~
17 ~~This includes education in the use of guidelines and placement~~
18 ~~tools, including, but not limited to, guidelines and~~
19 ~~recommendations from the Co-Occurring Center for Excellence~~
20 ~~(COCE) as published by the Substance Abuse and Mental Health~~
21 ~~Services Administration (SAMHSA), the American Society of~~
22 ~~Addiction Medicine (ASAM) Patient Placement Criteria, or other~~
23 ~~validated clinical tools approved by the board.~~

24 *(A) Forty-five clock hours of psychopharmacology/physiology*
25 *of addiction including the following areas: examination of the*
26 *effects of alcohol and similar legal psychoactive drugs to the body*
27 *and behavior; damage to the body and behaviors; damage to the*
28 *brain, liver, and other organs; tolerance, cross tolerance, and*
29 *synergistic effects; physiological differences between males and*
30 *females; disease model including neurobiological signs and*
31 *symptoms.*

32 *(B) Forty-five clock hours of clinical*
33 *evaluation/psychopathology, including the following areas: initial*
34 *interviewing process; biopsychosocial assessment; differential*
35 *diagnosis; diagnostic summaries; co-occurring disorders, referral*
36 *processes, and the evaluation of clients using placement criteria,*
37 *including the ASAM patient placement criteria or other validated*
38 *clinical tools, to determine the most appropriate level of care for*
39 *the client and eligibility for admission to a particular alcohol and*
40 *other drug abuse treatment program.*

1 (C) Forty-five clock hours of counseling/psychotherapy for
2 addiction, including the following areas: introduction to
3 counseling; introduction to techniques and approaches; crisis
4 intervention; individual counseling focused on addiction; group
5 counseling; and family counseling as it pertains to addiction
6 treatment.

7 (D) Forty-five clock hours in case management, including the
8 following areas: community resources; consultation;
9 documentation; and HIV positive resources.

10 (E) Forty-five clock hours of client education, including the
11 following areas: addiction recovery; psychological client
12 education; biochemical/medical client education; sociocultural
13 client education; addiction recovery and psychological family
14 education; biomedical and sociocultural family education; and
15 community and professional education.

16 (F) Forty-five clock hours of professional responsibility/law
17 and ethics, including the following: ethical standards, legal
18 aspects, cultural competency, professional growth, personal
19 growth, dimensions of recovery, clinical supervision, and
20 consultation; community involvement; and operating a private
21 practice.

22 (3) Completes a supervised practicum of no less than 315
23 performance (experience) hours, including ~~a 45-hour practicum,~~
24 ~~as well as minimum hours in areas specified by the board.~~ 45 hours
25 of classroom instruction and 255 hours of practical experience
26 performed at an agency approved by the practicum instructor. The
27 practical experience shall include the core functions demonstrating
28 the application of knowledge and skills in practice setting essential
29 to professional alcohol and drug counseling.

30 ~~(4) Receives a passing score on the exam for licensure~~
31 ~~designated by the board.~~

32 ~~(5)~~

33 (4) Submits to a state and federal level criminal offender record
34 information search and passes both background checks as specified
35 in Section 11975.78.

36 ~~(6)~~

37 (5) Pays the required fees as set by the board.

38 ~~(7)~~

39 (6) Completes the application for registration.

(b) The board may accept any or all of the hours of education stipulated in Section 11975.45 as part of the education leading to a person's earned master of arts, master of ~~sciences~~, *science*, or doctoral degree.

11975.43. Commencing January 1, ~~2016~~, 2017, and ceasing with the disposition of all completed applications actually received by the board by June 30, ~~2017~~, 2018, the board shall issue a licensed advanced alcohol and drug counselor (LAADC) license pursuant to subdivision (b) of Section 11975.33 to each person who the board determines is qualified either pursuant to subdivision (a) or (b):

(a) A license shall be granted by the board to a certified alcohol and drug counselor who meets all of the following requirements on or before January 1, ~~2016~~, 2017:

(1) Holds a current, valid, advanced alcohol and drug counseling certification or clinical supervision certification issued by a certifying organization recognized by the department on or before January 1, ~~2016~~, 2017. For the purpose of this subdivision, an "advanced alcohol and drug counseling certification" or "clinical supervision certification" shall include all of the following minimum requirements for purposes of applying for licensure under this section:

(A) Documentation of 315 hours of ~~formal instruction in alcohol and drug counseling with a 45-hour classroom practicum course~~ *education approved for certification by the IC&RC or any other organization recognized by the board to have standards equal to or higher than those of the IC&RC.*

(B) *A 45-hour practicum course approved for certification by the IC&RC or any other organization recognized by the board to have standards equal to or higher than those of the IC&RC, or a supervised internship approved by the board.*

~~(B)~~

(C) Documentation of 6,000 hours of work experience as an alcohol and drug counselor *approved for certification by the IC&RC or any other organization recognized by the board to have standards equal to or higher than those of the IC&RC.*

~~(C)~~

(D) Receipt of a passing score on a test ~~that is sufficient to qualify the applicant for certification~~ *approved for certification*

1 *by the IC&RC or any other organization recognized by the board*
2 *to have standards equal to or higher than those of the IC&RC.*

3 *(E) A letter from a certifying organization affiliated with the*
4 *IC&RC and recognized by the department, or any other*
5 *organization recognized by the board to have standards equal to*
6 *or higher than those of the IC&RC, that confirms that the applicant*
7 *is an advanced-level counselor in good standing at the time of the*
8 *application.*

9 ~~(2) Provides documentation that all of the following specialized~~
10 ~~education has been completed:~~

11 ~~(A) Forty hours of education in clinical supervision techniques.~~

12 ~~(B) Sixty hours of education on operating an independent~~
13 ~~counseling practice, including both of the following:~~

14 ~~(C) Six hours of education in the subject of law and ethics as it~~
15 ~~relates to a licensee's ability to practice alcohol and drug~~
16 ~~counseling safely. This education may include, but shall not be~~
17 ~~limited to, education in the legal and regulatory aspects of alcohol~~
18 ~~and drug counseling, regulatory restrictions, confidentiality, issues~~
19 ~~surrounding clients' rights, and standards of competency for the~~
20 ~~practice of alcohol and drug counseling.~~

21 ~~(D) Ten hours of education in the recognition of cooccurring~~
22 ~~disorders, the referral processes, and in determining the most~~
23 ~~appropriate level of care for the client and client's eligibility for~~
24 ~~admission to a particular alcohol and drug treatment program. This~~
25 ~~includes education in the use of guidelines and placement tools,~~
26 ~~including, but not limited to, guidelines and recommendations~~
27 ~~from the COCE as published by the SAMHSA, the ASAM Patient~~
28 ~~Placement Criteria, or other validated clinical tools approved by~~
29 ~~the board.~~

30 *(2) The education described in subparagraph (A) of paragraph*
31 *(1) shall include, but is not limited to, both of the following:*

32 *(A) Forty-five clock hours of clinical*
33 *evaluation/psychopathology, including the following areas: initial*
34 *interviewing process; biopsychosocial assessment; differential*
35 *diagnosis; diagnostic summaries; and cooccurring disorders,*
36 *referral processes, and the evaluation of clients using placement*
37 *criteria, including the ASAM patient placement criteria or other*
38 *validated clinical tools, to determine the most appropriate level*
39 *of care for the client and eligibility for admission to a particular*
40 *alcohol and other drug abuse treatment program.*

1 (B) *Forty-five clock hours of professional responsibility/law*
2 *and ethics, including the following: ethical standards, legal*
3 *aspects, cultural competency, professional growth, personal*
4 *growth, dimensions of recovery, clinical supervision, consultation;*
5 *community involvement; and operating a private practice.*

6 (3) Submits to a state and federal level criminal offender record
7 information search no later than January 1, ~~2016~~, 2017, and passes
8 both background checks as specified in Section 11975.78.

9 (4) ~~Provides documentation of a letter from a certifying~~
10 *organization affiliated with the IC&RC and recognized by the*
11 *department, or any other organization recognized by the board to*
12 *have standards equal to or higher than those of the IC&RC, that*
13 *confirms that the applicant has documented a total of 10,000 hours*
14 *of experience in alcohol and drug abuse counseling consistent with*
15 *IC&RC standards for advanced certification. Work experience*
16 *documented to meet this requirement shall have occurred within*
17 *10 years prior to the implementation of this part.*

18 (A) Documentation of an associate of arts degree may be
19 counted for 2,000 experience hours.

20 (B) Documentation of a bachelor's degree may be counted for
21 4,000 experience hours.

22 (C) Documentation of a master's degree may be counted for
23 6,000 hours of experience.

24 (D) ~~Any~~ A degree used in lieu of experience hours is required
25 to be substantially related to alcohol and drug counseling.

26 (5) Pays the required fees as set by the board.

27 (6) Completes the application for a license.

28 (b) A license shall be granted by the board to a person licensed
29 in the State of California who practices alcohol and drug counseling
30 and who meets all of the following requirements on or before
31 January 1, 2016:

32 (1) Provides documentation to the board that he or she currently
33 holds a valid license in the state to practice marriage family
34 therapy, psychology, social work, professional counseling, or
35 medicine.

36 (2) Provides documentation to the board of 6,000 hours of
37 experience in providing alcohol and drug counseling services
38 directly to patients.

39 (3) Pays the required fees as set by the board.

40 (4) Completes the application for a license.

(c) All of the hours of education and experience stipulated in Section 11975.45 may be gained as part of the education leading to a person's earned master of arts, master of ~~sciences~~, *science*, doctoral degree, or certification preparation.

11975.45. (a) Commencing January 1, ~~2016~~, *2017*, the board shall issue a LAADC license pursuant to subdivision (b) of Section 11975.33 to each person who the board determines meets all of the following requirements:

(1) Possesses an earned master of arts, master of science, or ~~doctorate~~ *doctoral* degree in alcohol and drug counseling, psychology, social work, *counseling, marriage and family therapy, counseling psychology, clinical psychology*, or other clinically focused major or an equivalent degree recognized by the board, from an institution of higher learning accredited by the Western Association of Schools and Colleges or an equivalent accrediting agency approved by the United States Department of Education.

(2) Completes ~~180 clock hours of alcohol and drug specific education approved by the board, including both of the following:~~ *the educational requirements in paragraphs (2) and (3) of subdivision (a) of Section 11975.40.*

(A) ~~Forty hours of education in clinical supervision techniques.~~

(B) ~~Sixty hours of education on operating an independent counseling practice, including both of the following:~~

(i) ~~Six hours of education in the subject of law and ethics as it relates to a licensee's ability to practice alcohol and drug counseling safely. This education may include, but shall not be limited to, education in the legal and regulatory aspects of alcohol and drug counseling, regulatory restrictions, confidentiality, issues surrounding clients' rights, and standards of competency for the practice of alcohol and drug counseling.~~

(ii) ~~Ten hours of education in the recognition of co-occurring disorders, the referral processes, and in determining the most appropriate level of care for the client and client's eligibility for admission to a particular alcohol and drug treatment program. This includes education in the use of guidelines and placement tools, including, but not limited to, guidelines and recommendations from the COCE as published by the SAMHSA, the ASAM Patient Placement Criteria, or other validated clinical tools approved by the board.~~

1 ~~(3) Completes 315 hours of formal instruction in alcohol and~~
2 ~~drug counseling with a 45-hour classroom practicum course offered~~
3 ~~by a provider approved by the board.~~

4 ~~(4)~~

5 (3) Submits documentation of 2,000 hours of work experience
6 as an alcohol and drug counselor, of which 1,500 hours may be
7 substituted by documenting certification in good standing as an
8 alcohol and drug counselor as per certification regulations of this
9 state.

10 ~~(5)~~

11 (4) Receives a passing score on a nationally recognized exam
12 for licensure designated by the board.

13 ~~(6)~~

14 (5) Submits to a state and federal level criminal offender record
15 information search and passes both background checks as specified
16 in Section 11975.78.

17 ~~(7)~~

18 (6) Pays the required fees as set by the board.

19 ~~(8)~~

20 (7) Completes the application for a license.

21 (b) The board may accept any or all of the hours of education
22 required by this section as part of the education leading to a
23 person's earned master of arts, master of ~~sciences~~, *science*, or
24 doctoral degree.

25 11975.47. (a) Education, supervised experience, and work
26 experience gained outside of California may be accepted toward
27 the licensing requirements if it is substantially the equivalent of
28 the requirements of this part.

29 (b) The board may issue a license to any person who, at the time
30 of application, meets all of the following requirements:

31 (1) Has held a valid active alcohol and drug counseling license
32 or certification issued by a board of alcohol and drug counseling
33 examiners or corresponding authority of any state.

34 (2) Passes the current applicable examination.

35 (3) Pays the required fees.

36 (4) Passes the required background check, as specified in Section
37 11975.78.

38 (5) Is not subject to denial of licensure under this part.

39 11975.49. (a) The supervised experience required in Section
40 11975.45 may be gained under the clinical supervision of an

1 LAADC, or a licensed health professional specified by the board
2 ~~and. This experience~~ shall meet all of the following criteria:
3 ~~This experience shall consist of all of the following:~~
4 (1) *Every two years, completion of a clinical supervision training*
5 *program approved by the board.*
6 ~~(1)~~
7 (2) A minimum of 70 percent of the required hours shall be
8 face-to-face individual or group counseling provided to clients in
9 the context of addiction treatment services.
10 ~~(2)~~
11 (3) A maximum of 30 percent of the required hours may be in
12 case management, client-centered advocacy, consultation,
13 evaluation, and research.
14 ~~(3)~~
15 (4) The required hours of supervised experience shall be
16 obtained over a period of not less than two years and shall have
17 been gained within the six years immediately preceding the date
18 on which the application for licensure was filed.
19 ~~(4)~~
20 (5) Experience shall not be credited for more than 40 hours in
21 any week.
22 (b) Prior to the commencement of clinical supervision, a
23 supervisor shall comply with all requirements for supervisors as
24 established by the board.
25 (c) (1) A supervisee shall receive an average of at least one
26 hour of direct supervisor contact for every week in which more
27 than 10 hours of face-to-face counseling is performed in each
28 setting where experience is gained.
29 (2) No more than five hours of direct clinical supervision,
30 whether individual or group, shall be credited during any single
31 week.
32 (d) For purposes of this section, “one hour of direct supervisor
33 contact” means one hour of face-to-face contact on an individual
34 basis or two hours of face-to-face contact in a group, of not more
35 than eight persons receiving clinical supervision, addressing the
36 substance of the supervisory plan required in subdivision~~(d)~~ (e).
37 (e) The supervisor and the supervisee shall develop a supervisory
38 plan that describes the goals and objectives of clinical supervision.
39 These goals shall include the ongoing assessment of strengths and

1 limitations and the assurance of practice in accordance with the
2 laws and regulations.

3 (f) Experience shall be gained only in a setting that meets both
4 of the following requirements:

5 (1) Lawfully and regularly provides alcohol and other drug
6 counseling.

7 (2) Provides oversight to ensure that the supervisee's work at
8 the setting meets the experience and clinical supervision
9 requirements set forth in this part and is within the scope of practice
10 for the profession as defined in Section 11975.50.

11 (g) Experience shall not be gained prior to becoming a registered
12 intern.

13 (h) A supervisee may be either a paid employee or a volunteer.
14 Employers are encouraged to provide fair remuneration to
15 supervisees.

16 (i) A supervisee shall not receive any remuneration from patients
17 or clients, and shall be paid only by his or her employer. A
18 supervisee shall not have any proprietary interest in the employer's
19 business.

20 (j) A supervisee may receive clinical supervision from a person
21 not employed by the supervisee's employer if that person has
22 signed a written agreement with the employer to take supervisory
23 responsibility for the supervisee's addiction counseling.

24 (k) Notwithstanding any other provision of law, a supervisee
25 shall receive a minimum of one hour of clinical supervision per
26 week for each setting in which he or she is working.

27 (l) The board may limit, by regulation, the number of registered
28 interns that any one supervisor may supervise, the number of
29 registered interns that may be supervised in any given program or
30 setting, and the proportion of the workforce in any given program
31 or setting that may be comprised of registered interns.

32 (m) Programs licensed or certified by the department are not
33 required to adhere to the supervision provisions of this section.
34 Alcohol and drug counselors working or volunteering in licensed
35 or certified facilities may use hours completed while working or
36 volunteering in a facility licensed or certified by the department
37 if the conditions for supervised hours are present at the time of
38 service.

CHAPTER 5. SCOPE OF PRACTICE

11975.50. (a) (1) The board shall issue a license or intern registration to each applicant meeting the requirements of this part. That license or registration permits the holder to engage in alcohol and drug counseling as defined in subdivision (c), entitles the holder to use the title of licensed advanced alcohol and drug counselor or advanced alcohol and drug counselor intern, as applicable, and authorizes the holder to hold himself or herself out as qualified to perform the functions delineated by this part, subject to any limitations relating to the level of the license or registration or other conditions that may be imposed by the board.

(2) The form and content of the license or registration shall be determined by the board.

(b) A licensee or registered intern may perform the acts listed in this section only for the purpose of treating alcohol and drug addiction.

(c) (1) For the purposes of this part, “alcohol and drug counseling” means a process involving a psychotherapeutic relationship between a client who is experiencing addiction, dependence, abuse of alcohol or other drugs, or other symptoms that relate to substance use and a counselor or therapist trained to provide that help to address that addiction, dependence, or abuse.

(2) Addiction counseling includes the professional and ethical application of basic tasks and responsibilities, including all of the following:

(A) Screening, this is the process by which a client is determined to be eligible for admission to a particular alcohol and drug treatment program.

(B) Initial intake, which is the administrative and initial assessment procedures for admission to an alcohol and drug treatment program. Assessment shall not include psychological testing intended to measure or diagnose mental illness.

(C) Orientation, which is the act of describing to the client the general nature and goals of the alcohol and drug treatment program, including rules governing client conduct and infractions that can lead to disciplinary action or discharge from the program.

(D) Alcohol and drug abuse counseling, including individual, group, and significant others. The utilization of special skills to assist individuals, families, or groups in achieving objectives

1 through exploration of a problem and its ramifications, examination
2 of attitudes and feelings, considerations of alternative solutions,
3 and decisionmaking as each relates to substance use. Counseling
4 shall be limited to assisting a client in learning more about himself
5 or herself for the purposes of understanding how to effectuate
6 clearly perceived and realistically defined goals related to
7 abstinence. Counseling is limited to assisting the client to learn or
8 acquire new skills that will enable the client to cope and adjust to
9 life situations without the use of substances.

10 (E) Case management, which is the activities that bring services,
11 agencies, resources, or individuals together within a planned
12 framework of action toward achievement of established goals.
13 Case management may involve liaison activities and collateral
14 contacts.

15 (F) Crisis intervention, which is providing services that respond
16 to an alcohol or drug user's needs during acute emotional or
17 physical distress, including, but not limited to, referrals for
18 assessment of the client's need for additional psychological or
19 medical treatment for client behaviors that signal risk or prolonged
20 distress.

21 (G) Assessment, which is the use of procedures by which a
22 counselor or program identifies and evaluates an individual's
23 strengths, weaknesses, problems, and needs for the development
24 of the alcohol and drug treatment plan.

25 (H) Treatment planning, which is the process by which the
26 counselor and the client identify and rank problems needing
27 resolution, establish agreed-upon immediate and long-term goals,
28 and decide on a treatment process and the resources to be utilized.

29 (I) Client education, which is providing information to
30 individuals and groups concerning alcohol and drug use and the
31 services and resources available.

32 (J) Referral, which is identifying the needs of the client that
33 cannot be met by the counselor or agency, as well as assisting the
34 client in utilizing the support systems and community resources
35 available.

36 (K) Reports and recordkeeping, which is the documentation of
37 the client's progress in achieving his or her goals.

38 (L) Consultation with other professionals with regard to client
39 treatment or services and communicating with other professionals
40 to ensure comprehensive, quality care for the client.

1 11975.53. Alcohol and drug counseling includes understanding
2 and application of the limits of the counselor's own qualifications
3 and scope of practice, including, but not limited to, screening and,
4 as indicated, referral to or consultation with an appropriately
5 licensed health practitioner consistent with the client's needs. Every
6 licensee who operates an independent counseling practice shall
7 refer any client assessed as needing the services of another licensed
8 professional to that professional in a timely manner.

9 11975.55. Provided that this exception does not preclude the
10 board from considering any conduct in any setting in its
11 determination of fitness for registration or licensure or in any
12 disciplinary matter, this part shall not apply to any of the following:

13 (a) A person who engages in the practice of alcohol and drug
14 counseling exclusively for any of the following:

15 (1) In-custody services of the Department of Corrections and
16 Rehabilitation.

17 (2) As an employee or volunteer of the State of California.

18 (3) As an employee or volunteer of an agency of the government
19 of the United States.

20 (b) A person who is an unpaid member of a peer or self-help
21 group who performs peer group or self-help activities if the person
22 does not use a title stating or implying that he or she is a licensed
23 or certified alcohol and drug counselor or registered intern.

24 (c) A cleric or other religious leader who provides spiritual
25 advice and guidance to members of his or her congregation or
26 order, or to other persons, if it is free of charge.

27 (d) A director, officer, or staff member of a program described
28 in Section 8001 of the Penal Code.

29 (e) *A director, officer, or staff member of a program described*
30 *in subdivision (l) or (m) of Section 11752.1.*

31 11975.57. Nothing in this part shall be construed to constrict,
32 limit, or withdraw the Medical Practice Act (Chapter 5
33 (commencing with Section 2000)) of, the Nursing Practice Act
34 (Chapter 6 (commencing with Section 2700)) of, the Psychology
35 Licensing Act (Chapter 6.6 (commencing with Section 2900))
36 of, the Licensed Marriage and Family Therapist Act (Chapter 13
37 (commencing with Section 4980)) of, the Clinical Social Worker
38 Practice Act (Chapter 14 (commencing with Section 4991)) of, or
39 the Licensed Professional Clinical Counselor Act (Chapter 16

(commencing with Section 4999.10)) of, Division 2 of the Business and Professions Code.

11975.58. A person who has received a registration or license under this part may use the title “advanced alcohol and drug counselor intern” or “AADCI,” or “licensed advanced alcohol and drug counselor” or “LAADC,” in accordance with the type of registration or license possessed. Every person who styles himself or herself or who holds himself or herself out to be an *advanced alcohol and drug counselor intern*, AADCI or ~~LAADC~~ *licensed advanced alcohol and drug counselor*, without holding a license or registration in good standing under this part, is guilty of a misdemeanor.

11975.59. (a) It is unlawful for a person to engage in the practice of alcohol and drug counseling outside of a licensed or certified alcohol and drug treatment facility, unless at the time of so doing, the person holds a valid, unexpired, and unrevoked license or registration under this part.

(b) This section shall become operative on January 1, 2017.

CHAPTER 6. LICENSES AND RENEWALS

11975.60. (a) Licenses or registrations issued under this part shall expire within two years after the issue date. The expiration date of the original license or registration shall be set by the board.

(b) To renew an unexpired license or registration, the licensee or registered intern shall, on or before the expiration date of the license or registration, complete the following actions:

(1) Apply for a renewal on a form prescribed by the board.

(2) Pay a two-year renewal fee prescribed by the board.

(3) Complete at least 60 hours of continuing education, as approved by the board.

(4) Notify the board whether he or she has been convicted of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the licensee or registered intern’s last renewal.

(c) To renew an expired license or registration within three years of its expiration, the licensee or registered intern shall, as a condition precedent to renewal, do all of the following:

(1) Apply for renewal on a form prescribed by the board within three years of the expiration date of the license.

1 (2) Pay the renewal fees that would have been paid if the license
2 or registration had not been delinquent.

3 (3) Pay all delinquency fees.

4 (4) Complete the applicable continuing education requirements.

5 (5) Notify the board whether he or she has been subject to, or
6 whether another department or board has taken, disciplinary action
7 since the last renewal.

8 (d) The department shall adopt regulations to allow for the
9 reinstatement of a license or registration that is not renewed within
10 three years after its expiration.

11 11975.63. (a) A licensed advanced alcohol and drug counselor
12 shall display his or her license in a conspicuous place at the primary
13 place of his or her business.

14 (b) The current renewal receipt shall be displayed near the
15 license.

16 11975.65. A licensed advanced alcohol and drug counselor
17 who conducts a private practice under a fictitious business name
18 shall not use a name that is false, misleading, or deceptive, and
19 shall inform the patient, prior to the commencement of treatment,
20 of the name and license designation of the owner or owners of the
21 practice.

22 11975.67. A suspended license is subject to expiration and
23 may be renewed as provided in this part, but the renewal does not
24 entitle the licensee, while the licensee remains suspended and until
25 the licensee is reinstated, to engage in the activity to which the
26 license relates, or in any other activity or conduct in violation of
27 the order or judgment by which it was suspended.

28 11975.68. (a) A licensed advanced alcohol and drug counselor
29 may apply to the board to request that his or her license be placed
30 on inactive status.

31 (b) A person who holds an inactive license shall pay a biennial
32 fee of one-half of the active renewal fee and shall be exempt from
33 continuing education requirements specified in paragraph (3) of
34 subdivision (b) of Section 11975.60, but shall otherwise be subject
35 to this part and shall not engage in the practice of alcohol and drug
36 counseling in this state.

37 (c) A person on inactive status who has not committed any acts
38 or crimes constituting grounds for denial of licensure or registration
39 may, upon his or her request, have his or her license to practice
40 alcohol and drug counseling placed on active status.

1 (d) A person requesting his or her license to be placed on active
2 status at any time during a renewal cycle shall pay a pro rata
3 portion of the renewal fees.

4 (e) A person requesting to have his or her license be placed on
5 active status whose license expires less than one year from the
6 date of the request shall be required to complete 20 hours of
7 continuing education for license renewal.

8 (f) A person requesting his or her license to be placed on active
9 status whose license expires more than one year from the date of
10 the request shall be required to complete 40 hours of continuing
11 education for license renewal.

12 11975.69. A person licensed or registered under this part shall
13 comply with ~~both~~ *all* of the following:

14 (a) Provide written notice to the board within 30 days of any
15 change of address.

16 (b) Provide written notice to the board within 30 days of a name
17 change giving both the old and the new names along with a copy
18 of the legal document authorizing the name change, including, but
19 not limited to, a court order or marriage license.

20 (c) *Notify the board in writing within 30 days if he or she has*
21 *been convicted of a misdemeanor or felony substantially related*
22 *to the practice of alcohol drug counseling.*

23
24 CHAPTER 7. DENIAL, SUSPENSION, AND REVOCATION
25

26 11975.70. The board may deny an application or may revoke,
27 suspend, or impose conditions upon a license or the intern
28 registration for unprofessional conduct. Unprofessional conduct,
29 includes, but is not limited to, any of the following:

30 (a) Securing an intern registration, license, or renewal by fraud,
31 deceit, or misrepresentation on any application or material in
32 support of any application for intern registration, licensure, or
33 renewal.

34 (b) Misrepresenting the type or status of intern registration or
35 licensure held by the person, or otherwise misrepresenting or
36 permitting misrepresentation of his or her education, professional
37 qualifications, or professional affiliations to any person, program,
38 or entity.

39 (c) Refusal or failure to provide proper identification as a
40 licensee or registered intern where appropriate or required, such

1 as when offering or providing alcohol and drug counseling services,
2 on business cards, or on informational or marketing materials.

3 (d) Advertising, marketing, or promoting programs, services,
4 training, education, or experience in a false and misleading manner,
5 as set forth in Chapter 5 (commencing with Section 17200) of Part
6 2 of Division 7 of the Business and Professions *Code*.

7 (e) Engaging in inappropriate social relationships, sexual
8 relations, or soliciting sexual relations with a client or with a former
9 client within two years from the termination date of the counseling
10 relationship.

11 (f) Committing an act of sexual abuse, misconduct, or an act
12 punishable as a sexually related crime.

13 (g) Engaging in a business relationship with clients, patients,
14 program participants, residents, or other persons significant to
15 them within one year from the termination of the counseling
16 relationship.

17 (h) Physically, verbally, or sexually harassing, threatening, or
18 abusing other staff members, clients, patients, program participants,
19 residents, or other persons significant to any of those persons.

20 (i) Unlawfully administering to himself or herself any controlled
21 substance as defined in Section 4021 of the Business and
22 Professions Code ~~or~~, using any of the dangerous drugs or devices
23 specified in Section 4022 of the Business and Professions Code,
24 or using any alcoholic beverage to the extent, or in a manner, as
25 to be dangerous or injurious to the person holding or applying for
26 intern registration or licensure or to any other ~~person~~, *person* or
27 to the public.

28 (j) Violating patient or client confidentiality except as required
29 or permitted by law, including, but not limited to, Subparts A to
30 E, inclusive, of Part 2 of Subchapter A of Chapter 1 of Title 42 *of*
31 *the* Code of Federal Regulations, and child abuse, elder abuse, and
32 public safety laws and regulations.

33 (k) Failing to maintain records consistent with the nature of the
34 services being rendered.

35 (l) Refusing or denying patient or client access to charts and
36 records as required by law.

37 (m) Violating, attempting to violate, or conspiring to violate
38 any law or regulation governing licensed advanced alcohol and
39 drug counselors and registered interns.

1 (n) Failure to comply with the child abuse reporting
2 requirements of Section 11166 of the Penal Code.

3 (o) Failure to comply with the elder and dependent adult abuse
4 reporting requirements of Section 15630 of the Welfare and
5 Institutions Code.

6 11975.71. The board shall revoke a license or the registration
7 of an intern issued under this part upon a decision made in
8 accordance with the procedures set forth in the adjudication
9 provisions of the Administrative Procedure Act (Chapter 5
10 (commencing with Section 11500) of Part 1 of Division 3 of Title
11 2 of the Government Code) that contains any finding of fact that
12 the licensee or registered intern engaged in any act of sexual
13 contact, as defined in Section 729 of the Business and Professions
14 Code, when that act is with a client, or with a former client when
15 the relationship was terminated primarily for the purpose of
16 engaging in that act. The revocation shall not be stayed by the
17 administrative law judge or the board.

18 11975.72. The board may deny an application, or may revoke
19 or suspend a license or intern registration issued under this part,
20 for a denial of licensure, revocation, suspension, restriction, or
21 other disciplinary action imposed by another state or territory of
22 the United States, or by any other governmental agency, on a
23 license or registration to practice alcohol and other drug counseling
24 or other healing art. A certified copy of the disciplinary action
25 decision or judgment shall be conclusive evidence of that action.

26 11975.73. (a) The chairperson may temporarily suspend a
27 license or intern registration prior to a hearing when, in the opinion
28 of the chairperson, the action is necessary to protect the public or
29 a client from physical or mental abuse, abandonment, or other
30 substantial threat to health or safety.

31 (b) The chairperson shall give notice of the temporary
32 suspension and the effective date of the temporary suspension and,
33 at the same time, shall serve an accusation.

34 (c) Upon receipt of a notice of defense to the accusation, the
35 chairperson shall, within 15 days, set the matter for hearing, and
36 the hearing shall be held as soon as possible. The temporary
37 suspension shall remain in effect until the time the hearing is
38 completed and the chairperson has made a final determination on
39 the need for the temporary suspension to remain in place pending
40 resolution of the accusation.

1 (d) The temporary suspension shall be deemed vacated if the
2 chairperson fails to make a final determination on the merits within
3 30 days after the hearing, if the chairperson hears the matter
4 personally, or within 30 days after the board receives the proposed
5 decision from the Office of Administrative Hearings, or if the
6 matter is heard by a hearing officer selected by the board.

7 11975.74. (a) A person who has applied for or received a
8 license or intern registration from the board under this part has the
9 right to appeal an adverse decision of the board with regard to his
10 or her application, license, or registration.

11 (b) Unless the board specifies additional or different due process
12 provisions by regulation, an appeal shall be determined in
13 accordance with the adjudication provisions of the Administrative
14 Procedure Act (Chapter 5 (commencing with Section 11500) of
15 Part 1 of Division 3 of Title 2 of the Government Code).

16 11975.75. The board may impose reasonable terms, conditions,
17 or restrictions on a disciplinary action to protect the health, safety,
18 and welfare of the public.

19 11975.76. A person may request reinstatement of a license or
20 intern registration or a reduction of discipline, by applying for
21 reinstatement or reduction pursuant to Section 11522 of the
22 Government Code.

23 11975.77. (a) An applicant who fails an examination
24 administered by or on behalf of the board may within one year
25 from the notification date of failure retake that examination at the
26 next regularly scheduled examination date, without further
27 application, upon payment of the required examination fees.

28 (b) Thereafter, the applicant shall not be eligible for further
29 examination until he or she files a new application, meets all
30 current requirements, and pays all required fees.

31 11975.78. (a) An applicant for a license or intern registration
32 shall consent to a state and federal level criminal offender record
33 information search as part of a criminal history background check.
34 Refusal to consent to the criminal history background check, as
35 delineated in this section, shall result in denial of the license or
36 registration.

37 (b) The following procedure shall be followed for criminal
38 offender record information searches:

39 (1) The board shall submit to the Department of Justice
40 fingerprint images and related information required by the

1 Department of Justice of all advanced alcohol and drug counselor
2 licensure or advanced alcohol and drug counselor intern registration
3 applicants, as defined by Section 11975.13, to obtain information
4 as to the existence and content of a record of state or federal
5 convictions, state or federal arrests, and the existence and content
6 of a record of state or federal arrests for which the Department of
7 Justice establishes that the person is free on bail or on his or her
8 own recognizance pending trial or appeal.

9 (2) When received, the Department of Justice shall forward the
10 relevant information to the Federal Bureau of Investigation and
11 requests for federal summary criminal history information received
12 pursuant to this section. The Department of Justice shall review
13 the information returned from the Federal Bureau of Investigation
14 and compile and disseminate a response to the board.

15 (3) The Department of Justice shall provide a response to the
16 board pursuant to paragraph (1) of subdivision (p) of Section 11105
17 of the Penal Code.

18 (4) The board shall request from the Department of Justice
19 subsequent arrest notification service, as provided pursuant to
20 Section 11105.2 of the Penal Code, for persons described in
21 paragraph (1).

22 (5) The Department of Justice shall charge fees sufficient to
23 cover the cost of processing the request described in this section.
24 The applicant shall be responsible for payment of these fees.

25 (6) The applicant shall pay the fingerprint image rolling and
26 electronic submission fee charged by the live scan device operator.

27 (c) Before issuing a license or registration, the board shall ensure
28 that the state and federal level criminal history of the applicant is
29 reviewed.

30 (d) The board shall deny or revoke a person's license or
31 registration if, at the time of the board's determination, the person
32 meets one or more of the following criteria:

33 (1) He or she has been convicted of five or more criminal
34 offenses within a 30-month period ending two years or less prior
35 to the date of the board's determination.

36 (2) He or she is required to register as a sex offender pursuant
37 to Section 290 of the Penal Code.

38 (3) (A) Subject to subdivisions (b) and (c), he or she has been
39 convicted of a violent felony, as defined in Section 667.5 of the

1 Penal Code, within three years prior to the date of the board's
2 determination.

3 (B) After the expiration of three years from the date of
4 conviction, if a person described in subparagraph (A) is on parole,
5 he or she may be licensed or registered, if the board receives the
6 written approval of his or her parole officer or the Board of Parole
7 Hearings, as the Board of Parole Hearings may provide. The written
8 approval may be withdrawn by the Board of Parole Hearings upon
9 written notice to the licensee, registered intern, or parolee and to
10 the board. In the event of withdrawal of the approval, the licensee,
11 registered intern, or parolee's licensure or registration shall be
12 revoked by the board upon receipt by the board of the notice,
13 without further recourse against the board. The Board of Parole
14 Hearings shall set the procedure for review of the withdrawal of
15 approval. If the approval is reinstated, the board shall reinstate the
16 licensee, registered intern, or parolee if he or she is otherwise
17 eligible for reinstatement under this part and complies with all
18 applicable requirements.

19 ~~(C) The provisions of subparagraph~~ Subparagraph (B) shall
20 also apply to a person convicted of a crime that the board
21 determines is substantially related to the practice of alcohol and
22 drug counseling.

23 (D) *The board shall not deny or revoke a registration or license*
24 *pursuant to this subdivision solely on the basis of convictions*
25 *stemming from prior use of drugs or alcohol, provided the*
26 *individual meets the terms of rehabilitation established in*
27 *regulations developed pursuant to subparagraph (E).*

28 ~~(D)~~

29 (E) The board may establish by regulation additional criteria to
30 implement *this* subdivision-~~(d)~~, which may include, but *is not*-~~be~~
31 limited to, standards, exemptions, and terms of rehabilitation, and
32 may include rebuttable presumptions with regard to any of those.

33 11975.79. (a) Except as otherwise provided in this part, an
34 accusation filed pursuant to Section 11503 of the Government
35 Code against a person licensed or registered under this part shall
36 be filed within three years from the date the board discovers the
37 alleged act or omission that is the basis for disciplinary action or
38 within seven years from the date the alleged act or omission that
39 is the basis for disciplinary action occurred, whichever occurs first.

1 (b) An accusation filed against a person licensed or registered
2 alleging the procurement of a license or registration by fraud or
3 misrepresentation is not subject to the limitations set forth in
4 subdivision (a).

5 (c) An accusation alleging sexual misconduct shall be filed
6 within three years after the board discovers the act or omission
7 alleged as the grounds for disciplinary action or within 10 years
8 after the act or omission alleged as the grounds for disciplinary
9 action occurred, whichever occurs first.

10 (d) If an alleged act or omission involves a minor, the seven-year
11 limitation period provided for by subdivision (a) and the 10-year
12 limitation period provided for by subdivision (d) shall be tolled
13 until the minor reaches the age of majority.

14 (e) The limitation period provided by subdivision (a) shall be
15 tolled during any period if material evidence necessary for
16 prosecuting or determining whether a disciplinary action would
17 be appropriate is unavailable to the board due to an ongoing
18 criminal investigation.

19 (f) For purposes of this section, “discovers” means the latest
20 occurrence of any of the following with respect to each act or
21 omission alleged as the basis for disciplinary action:

22 (1) The date the board received a complaint or report describing
23 the act or omission.

24 (2) The date, subsequent to the original complaint or report, on
25 which the board became aware of additional acts or omissions
26 alleged as the basis for disciplinary action against the same
27 individual.

28 (3) The date the board receives from the complainant a written
29 release of information pertaining to the complainant’s diagnosis
30 and treatment.

31 11975.795. (a) ~~Nothing in this part shall~~ *This part does not*
32 apply to any alcohol and drug counselor from outside this state,
33 when in actual consultation with a licensed practitioner of this
34 state, or when an invited guest of a professional association or
35 educational institution for the sole purpose of engaging in
36 professional education through lectures, clinics, or demonstrations,
37 if he or she is at the time of the consultation, lecture, or
38 demonstration licensed to practice alcohol and drug counseling in
39 the state or country in which he or she resides.

1 (b) ~~These alcohol and drug counselors~~ *An alcohol and drug*
2 *counselor described in subdivision (a)* shall not open an office or
3 appoint a place to meet clients or receive calls from clients within
4 the limits of this state.

5
6 CHAPTER 8. FISCAL PROVISIONS
7

8 11975.80. (a) The Advanced Alcohol and Drug Counselors
9 License Fund is hereby established in the State Treasury. All fees
10 and fines collected by the board in accordance with this part shall
11 be deposited in this fund.

12 (b) The moneys in the fund shall be available, upon
13 appropriation by the Legislature, for the purpose of supporting the
14 licensing and intern registration activities of the board.

15 11975.83. (a) Until the board establishes different fees by
16 regulation, the board shall assess the following fees relating to the
17 licensure of advanced alcohol and drug counselors and the
18 registration of advanced alcohol and drug counselor interns:

19 (1) The application fee for an initial registration shall be
20 seventy-five dollars (\$75).

21 (2) The fee for renewal of a registration shall be seventy-five
22 dollars (\$75).

23 (3) The fee for a written examination administered by the board
24 shall be one hundred fifty dollars (\$150). The fee for an
25 examination administered on behalf of the board shall not exceed
26 more than 125 percent of the standard examination fee assessed
27 by the testing company.

28 (A) An applicant who fails to appear for an examination, after
29 having been scheduled to take the examination, shall forfeit the
30 examination fee.

31 (B) This subdivision shall not establish or limit the examination
32 fee charged for the examination recognized in subdivision (a) of
33 Section 11975.45 or any other examination that is recognized by
34 the board but not administered by or on behalf of the board.

35 (4) The fee for issuance of an initial license shall be one hundred
36 fifty-five dollars (\$155).

37 (5) The fee for a license renewal shall be one hundred fifty-five
38 dollars (\$155).

39 (6) The fee for an inactive license renewal shall be seventy-seven
40 dollars and fifty cents (\$77.50).

1 (7) The renewal delinquency fee shall be seventy-five dollars
2 (\$75). A person who permits his or her license to expire is subject
3 to the delinquency fee.

4 (8) The fee for issuance of a replacement registration or license
5 shall be twenty dollars (\$20).

6 (9) The fee for issuance of a certificate or letter of good standing
7 shall be twenty-five dollars (\$25).

8 (10) The fee for board review of the criminal records information
9 shall be thirty dollars (\$30).

10 (11) The fee for the state level criminal offender record
11 information search shall be set by the Department of Justice and
12 the fee for the federal level criminal offender record information
13 search shall be set by the Federal Bureau of Investigation.

14 (b) The board may establish fees for other categories as
15 necessary, however, the total fees collected by the board pursuant
16 to this part shall not exceed the reasonable cost to the board for
17 administering this part. The fees described in subdivision (a) shall
18 not exceed the reasonable costs to the board for administering this
19 part.

20 (c) The startup funds to implement this part shall be derived, as
21 a loan, from the reserve of the fund, upon appropriation by the
22 Legislature, and the board is not required to implement this part
23 until those funds are appropriated.

24 SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.